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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Report of the Secretary-General

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I. INTRODUCTION

1. On 2 November 1995, the General Assembly adopted resolution 50/10, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", in which it requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law, and to submit it to the Assembly at its fifty-first session.

2. Pursuant to that request, by a note dated 30 April 1996, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

3. The present report reproduces the replies from Governments and from organs and agencies of the United Nations system that had been received as at 5 September 1996. Further replies will be reproduced as addenda to the present report.

II. REPLIES RECEIVED FROM GOVERNMENTS

ANGOLA

[Original: English]

[28 June 1996]

1. The Republic of Angola, as a Member of the United Nations, observes and respects the objectives and principles enunciated in the Charter of the Organization and, as a result, supports totally all measures aimed at promoting respect for those objectives and principles, as stated in the preamble of General Assembly resolution 50/10.

2. The Republic of Angola notes with concern that, instead of seeing positive signs leading us to presume that, through dialogue between the interested parties, an end would come to the blockade, the reality is that the Senate of the United States has considered even harsher measures to strengthen the wall that has surrounded the Republic of Cuba for more than 35 years in flagrant violation of the norms and principles that govern relations between independent and sovereign States.

3. It is opportune to point out that not only will Angola continue to abstain from taking any measures against Cuba such as those cited above, but it will also continue collaborating with the United Nations to realize its objectives with due respect for the purposes and principles of the Charter of the United Nations and international law.

4. The Government of Angola regrets the fact that not one measure has been taken relative to the lifting of the economic, commercial and financial blockade against Cuba since the adoption of resolution 50/10, and it urges the international community to cooperate with the United Nations so that this blockade may be ended as quickly as possible. It is a blockade whose principal victims are millions of human beings in Cuba, condemned by this fact to inconceivable sacrifices.

ARGENTINA

[Original: Spanish]

[14 May 1996]

In the Argentine legal regime there is no law or measure of the kind referred to in the preamble to General Assembly resolution 50/10.

AUSTRALIA

[Original: English]

[28 June 1996]

1. While Australia shares United States concerns about the need for improvements in areas of human rights and political freedoms in Cuba, we have made representations to the United States arguing that the most effective way of promoting reform in Cuba is through constructive engagement and dialogue rather than the imposition of economic sanctions. For some years now Australia has voted in favour of General Assembly resolutions calling for an end to the embargo against Cuba, the most recent of which was resolution 50/10.

2. Moreover, Australia has argued against the extraterritorial aspects of the so-called Helms-Burton legislation (the Cuban Liberty and Democratic Solidarity Act, 1996), which is aimed at tightening the embargo against Cuba. The Australian Government regards these provisions as an excessive exercise of extraterritorial jurisdiction by a State which are not justified by principles of international law or comity. We have made representations to the United States Administration and Congress and - along with like-minded countries - in appropriate multilateral forums, arguing against the extraterritorial provisions of the Helms-Burton Law and in favour of a cooperative approach using multilaterally agreed principles and rules.

BAHAMAS

[Original: English]

[1 August 1996]

1. The Commonwealth of the Bahamas enjoys normal diplomatic and trade relations with the Republic of Cuba.

2. The Government of the Bahamas has not promulgated or applied any laws or measures of the kind referred to in the preamble of resolution 50/10.

3. The Government of the Bahamas considers that United States trade policy towards Cuba is primarily a matter for those two Governments; nevertheless, it remains concerned about the extraterritorial aspects of the United States embargo.

BARBADOS

[Original: English]

[16 August 1996]

1. The Government of Barbados has no laws which in any way restrict the freedom of trade and navigation against Cuba.

2. Furthermore, Barbados has consistently voted in favour of the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" since the resolution was first introduced in the General Assembly during the forty-sixth session in 1991.

BELARUS

[Original: English]

[11 July 1996]

1. The Republic of Belarus is interested in peaceful settlement of the conflict between the United States of America and the Republic of Cuba by means of negotiations. Belarus stands for creation of the favourable conditions necessary for unrestricted trade development and economic cooperation between the Republic of Cuba and all other countries, including the United States of America.

2. In conformity with its obligations under the United Nations Charter and international law, the Republic of Belarus has neither adopted nor is planning to adopt laws and measures of the kind referred to in the preamble of resolution 50/10 of 2 November 1995. Belarus reaffirms its support to the principles of the freedom of trade and navigation.

BELGIUM

[Original: French]

[11 July 1996]

The Belgian Government hereby informs the United Nations Secretariat that Belgium has neither adopted nor promulgated any laws or measures of the kind referred to in paragraphs 2 and 3 of resolution 50/10. Moreover, Belgium draws the Secretariat's attention to the statement by the Permanent Representative of Spain, speaking on behalf of the European Union in the debate on the above-mentioned resolution. The European Union declared its opposition to any application of laws and measures whose extraterritorial effects adversely affect freedom of trade and navigation and violate the sovereignty of independent States.

BELIZE

[Original: English]

[15 July 1996]

The Government of Belize has not adopted any laws or measures of the kind referred to in the preamble of resolution 50/10 which would inhibit freedom of trade and navigation of and with Cuba.

BOLIVIA

[Original: Spanish]

[12 June 1996]

The Government of the Republic of Bolivia has not adopted any laws or measures of the kind referred to in the resolution. Consequently, there are no provisions, measures or laws which the Government of Bolivia would have to repeal in this regard.

BRAZIL

[Original: English]

[1 June 1996]

1. Brazil reiterates its position that discriminatory trade practices and extraterritorial application of domestic laws run counter to the need for promoting dialogue and ensuring the prevalence of the purposes and principles of the Charter of the United Nations.

2. In accordance with resolution 50/10, Brazil did not promulgate or apply any law, regulation or measure the extraterritorial effects of which could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

3. Brazil's legal system does not recognize the validity of the application of measures with extraterritorial effects. Companies located in Brazil are subject exclusively to Brazilian legislation.

4. Measures by any country which violate the provisions of resolution 50/10, and which attempt to compel the citizens of a third country to obey foreign legislation, affect the interests of the international community as a whole and violate generally accepted principles of international law. They should be reviewed and changed, where appropriate, in order to bring them into conformity with international law.

BULGARIA

[Original: English]

[21 July 1996]

No legislation or any other measures have been adopted or introduced by Bulgaria against Cuba.

BURKINA FASO

[Original: French]

[5 June 1996]

Pursuant to paragraph 2 of General Assembly resolution 50/10, the Government of Burkina Faso has neither promulgated nor applied any laws and measures of the kind referred to in the preamble to that resolution.

Burkina Faso is currently in full compliance with its obligations under the Charter of the United Nations and international law which reaffirm the freedom of trade and navigation.

CAMBODIA

[Original: French]

[5 July 1996]

The Royal Government of Cambodia, in accordance with the views it expressed at the fiftieth session of the United Nations General Assembly, believes that it is duty-bound to express its solidarity with the innocent people of Cuba and its

desire to see them freed from the embargo imposed against them for more than 30 years.

CAPE VERDE

[Original: English]

[24 June 1996]

The Government of Cape Verde has not taken any measures harmful to resolution 50/10.

CHILE

[Original: Spanish]

[15 July 1996]

1. Chile has refrained from applying or promulgating laws or regulations of the kind referred to in the preamble to resolution 50/10, a position which it has maintained since the adoption of the first resolution on the question at the forty-seventh session of the General Assembly.

2. Chile co-sponsored and voted in favour of the resolution concerning the Helms-Burton Act that was adopted by the General Assembly of the Organization of American States (OAS) at its recent session in Panama.

The resolution on freedom of trade and investment in the hemisphere, instructed the Inter-American Legal Committee, at its next session and as a matter of priority, to consider, reach a conclusion and submit its opinion to the Permanent Council on the validity of the Helms-Burton legislation under international law, and it requested the Permanent Council to prepare a report on the implementation of the resolution at the next OAS Assembly.

COLOMBIA

[Original: Spanish]

[12 July 1996]

1. The Government of Colombia has not promulgated any law or measure of the kind referred to in the preamble to resolution 50/10 that could affect the normal development of the economy or trade of the Republic of Cuba.

2. On the contrary, as a manifestation of its steadfast support for the purposes and principles enshrined in the Charter of the United Nations, the Government of Colombia has joined with those who reject the promulgation of unilateral measures designed to serve as pressure tactics against other States,

particularly developing countries, or the attempt to apply domestic laws extraterritorially.

3. At the eleventh summit meeting of the Movement of Non-Aligned Countries, the heads of State or Government "called upon the Government of the United States of America to put an end to the economic, commercial and financial measures and actions against Cuba which, in addition to being unilateral and contrary to the Charter of the United Nations and international law, and to the principle of neighbourliness, cause huge material losses and economic damage".

4. Colombia has also expressed its concern at the passing of the Cuban Liberty and Democratic Solidarity Act, or Helms-Burton Act, because it disregards the fundamental principle of respect for the sovereignty of States and runs contrary to public international law by applying domestic law extraterritorially. Colombia also notes that the Act violates the principles of the Charter of the United Nations and contravenes the basic precepts of the World Trade Organization and other multilateral and regional organizations and the principles underlying international economic relations established in the Charter of Economic Rights and Duties of States.

5. We consider that international cooperation is the only mechanism that can respond effectively to the increase in globalization and foster friendly relations between nations that allow for the building of a new, more just and equitable world order. Similarly, we reiterate our commitment to the principle of the peaceful, negotiated settlement of disputes and conflicts in accordance with international law.

CUBA

[Original: Spanish]

[8 July 1996]

1. The United Nations General Assembly, through its resolution 50/10, took action for the fourth consecutive year on the "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

2. In adopting this resolution, Member States once again reaffirmed their commitment to the purposes and principles enshrined in the Charter of the United Nations and other principles of international law, such as respect for the sovereignty of States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation.

3. Although this resolution urges Member States to refrain from applying measures "whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation", the Government of the United States of America has enacted new legislation aimed at increasing, exacerbating and internationalizing the blockade which has been used against Cuba for over three decades to stifle its economy and undermine its political, institutional

and social order. The blockade's impact on the Cuban people, who are being deprived of their means of basic subsistence, including food and medicines, is well known.

4. The attitude of the United States of America violates the spirit and letter of General Assembly resolutions 47/19, 48/16, 49/9 and 50/10 and affects not only the sovereignty of Cuba but also that of the other Member States which maintain economic, commercial and financial ties with it. The United States is ignoring the views of other States, international organizations and regional groups and even international public opinion.

5. The reports of the Secretary-General of the United Nations on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, contained in documents A/48/448, A/49/398 and Add.1 and A/50/401, reflect the systematic and progressive maintenance of the blockade by the United States of America against Cuba.

6. The last of these reports draws the international community's attention to the intensification of the economic aggression taking shape in the United States Congress with the bill known as the "Cuban Liberty and Democratic Solidarity Act", or the Helms-Burton bill.

7. An amended and expanded version of this bill was enacted into United States law on 12 March 1996, despite the international community's rejection of it and the fact that the United States Administration had earlier opposed the bill because it was inconsistent with the obligations of the United States of America under the rules of the World Trade Organization and the North American Free Trade Agreement (NAFTA), and because of potential conflicts - indefensible under international law - with its allies.

8. The Act not only summarizes the entire previous body of legislation concerning the blockade against Cuba but also certifies and codifies the whole series of presidential decrees, executive orders and administrative decisions adopted in this regard.

9. The Helms-Burton Act has been enacted against a backdrop in which Cuba is striving to restructure its economy and achieve reintegration into the world market by its own efforts and abilities. The emergency economic programme, designed to deal with the effects of this situation, attenuate its impact and prevent some segments of society from being more adversely affected than others, at the same time creates the conditions to ward off an economic recession and lays the foundations for an incipient recovery process. This programme is being carried out in a situation where the United States of America is tightening its blockade.

10. The results of the Cuban Government's strategy have been successful. Compared to a slight economic growth of 0.7 per cent in 1994 and 2.5 per cent in 1994, the forecasted growth for 1996 is 5 per cent. In addition, the financial austerity programme has reduced the fiscal deficit from 7.4 per cent in 1994 to an estimated 3 per cent for 1996.

11. Cuba has adopted a series of economic reforms in a short period of time to adapt to the new conditions; these reforms have made it possible to introduce market mechanisms gradually and in an orderly fashion, with social consensus in a planned economy which, using its own resources, has begun the process of recovery.

12. The above-mentioned policies have also made it possible to preserve the main social achievements of the Cuban revolution, as attested to, for example, in the attainment of an infant mortality rate of 9.4 per 1,000 live births in 1995.

13. Cuba's resumption of international trade and the increase in foreign investments are crucial aspects of its new economic strategy. The successive blockades enacted by the United States of America, in particular the Helms-Burton Act, are precisely aimed at frustrating Cuba's efforts in this direction.

14. One of the pillars of the aforementioned General Assembly resolutions on this topic is the urging of all Member States to refrain from promulgating and applying laws and regulations with extraterritorial effects which affect the sovereignty of other States. The Helms-Burton Act, by attempting to internationalize the blockade, not only affects Cuba but also establishes sanctions of various types against countries which have sovereignly decided to trade with or invest in Cuba, and against their enterprises, executives and their families.

15. Obviously, such provisions could affect virtually the whole of the international community, since the Government of the United States of America is trying to use them to dictate standards of behaviour, impose its own laws so that they supersede the laws and interests of other countries and tell these countries, under the threat of sanctions, what kind of relations they should have with other States.

16. Title I of the Act tries to give an international and binding character to the blockade through a Security Council decision, using the untenable argument that Cuba is a threat to international peace and security. The ridiculousness of this argument and, at the same time, the seriousness, responsibility and consistency of Cuba's actions, have been fully recognized by many different sectors of the international community.

17. Title I decides to withhold payments by the United States of America to international financial institutions which approve loans to Cuba. Such financial blackmail contradicts and violates the norms established by these institutions. Specifically, it ignores articles 8 and 9 of the International Monetary Fund Articles of Agreement; articles 6 and 10 of the World Bank agreement; article 8 of the International Development Association agreement; articles 2, 3 and 6 of the International Financial Corporation agreement; article 34 of the Convention Establishing the Multilateral Investment Guarantee Agency; and articles 2 and 11 of the Convention Establishing the Inter-American Development Bank. All these international legal instruments ban restrictions, regulations, controls or moratoria of any kind against their own actions or property.

18. In addition, this Title limits to an extreme degree the Cuban Government's opportunities and efforts to solve the problem of its external debt, since it provides for the extension of sanctions to countries which apply measures to swap, reduce or forgive Cuba's debts. Similar provisions have a negative impact in turn on the countries participating in such debt operations with Cuba.

19. This Title provides for the monitoring of Cuba's economic and commercial relations with third countries. This action involves greater and more effective supervision of all the institutions or companies that have commercial or financial relations with, or investments in, Cuba; this would reinforce the usual United States policy of aggression, intimidation and blackmail used against companies trading with Cuban entities.

20. Another violation contained in this Act is the prohibition of indirect financing in Cuba by United States companies and their subsidiaries, which infringes the internationally recognized principles of freedom of financing and investment and the subordination of subsidiary companies to the laws of the country of residence.

21. The impact of the Act on economic and commercial relations, especially relations with the countries members of the Commonwealth of Independent States, is determined by the direct sanctions which are to be used against these countries if they establish commercial relations with Cuba, on the basis of what the Act calls "non-market based trade". This involves absolutely normal commercial practices to facilitate trade in today's world.

22. The purpose of this policy is, without doubt, to tighten even further the restrictions on Cuba's access to the world market.

23. Title II is absolutely extraterritorial, since it attempts to decide Cuba's political, economic and institutional future from the United States of America. Furthermore, it subjects the lifting of the blockade and the establishment of relations of any kind with Cuba to a series of prerequisites, including political changes, a different economic system and, in particular, the unconditional return of property legitimately nationalized by the Cuban Government on or after 1 January 1959 to their former owners.

24. Title III, under the guise of requiring compensation or allowing claims for what the United States considers to be American property, is directly aimed at preventing foreign investment in Cuba.

25. The articles under this Title violate a series of internationally recognized principles and concepts, such as those which establish that:

- International claims are to be settled by bilateral agreement between the interested parties;

- The ownership of property is determined by the laws of the country in which it is located;

- A country's acts of confiscation of the property of its nationals do not constitute violations of international law, regardless of the amount involved or how they are carried out;

- A country's acts of confiscation of the property of its nationals are not subject to international law and may not be brought before the courts of another jurisdiction.

26. This Title explicitly orders United States courts not to accept the Act of State doctrine, thereby not only violating a generally accepted principle of international law but also ignoring the earlier practice and decisions of United States courts.

27. The essence of this provision, whose spirit pervades the Act, lies in ignoring the legality of nationalizations carried out by the Cuban State in exercise of its sovereign right. Document A/50/211 of 7 June 1995 further examines the legal grounds of these nationalizations and the compensation awarded or actions taken by the Cuban Government to indemnify the former owners.

28. In Title IV, the measures providing for exclusion or expulsion from the United States of America of those who "traffic" in nationalized property in large part constitute intimidation and blackmail of persons from third countries doing business with Cuba, and even worse, these measures affect their authorized representatives and close family members.

29. In a world that claims to be global and interdependent, the Helms-Burton Act contradicts not only the principles established in the Charter of the United Nations but also the Marrakesh Declaration and the Agreement establishing the World Trade Organization (WTO), successor to the General Agreement on Tariffs and Trade (GATT), of which both Cuba and the United States of America are founding members.

30. The Helms-Burton Act thus runs counter to the WTO objectives of reducing obstacles to trade and eliminating discriminatory treatment in international trade relations, since it seeks to obstruct Cuba's trade relations with other WTO members.

31. In fact, the fundamental principle of WTO is most-favoured-nation treatment, which implies an absence of discrimination between its members. However, the aforementioned Act clearly violates this principle in both the letter and the spirit by unilaterally providing for different treatment of Cuba based on political considerations which it also seeks to impose on other sovereign members of the organization.

32. Article XI of GATT calls for the elimination of quantitative restrictions on imports. Section 110 of the Helms-Burton Act, however, prohibits, inter alia, imports of sugar to the United States of America if the President of that country determines that the sugar is of Cuban origin; this constitutes a quantitative restriction on imports, which is permissible under article XI only under exceptional circumstances.

33. The Act also violates articles I, III and XIII of GATT 1994 as well as the provisions of the General Agreement on Trade in Services (GATS), especially the provisions of the annex relating to movement of service suppliers under the Agreement, and limits the freedom of access that must characterize trade in services, especially financial services, by denying financing to any person for transactions involving property that can be the object of a claim under the terms of this Act. Likewise, it clearly violates the principles of the Agreements on Measures relating to Commercial Investments, which are aimed at promoting and facilitating investment across international borders with a view to stimulating the economic growth of all trading partners, particularly the developing countries members of WTO.

34. The Act also violates, inter alia, chapters 11 and 16 of the North American Free Trade Agreement (NAFTA), concerning investment and temporary entry for business persons respectively.

35. It contravenes the provisions of chapter 11, on investment, which stipulates that investors who are nationals of Mexico and Canada must be accorded treatment in accordance with international law, including fair and equitable treatment and full protection and security.

36. In addition, actions taken as the result of civil proceedings which may affect investments in the United States for the purpose of securing payment of damages under Title III of the Act may be considered to be incompatible with article 1110 of NAFTA.

37. Chapter 16 obliges the parties to grant temporary entry of business persons who meet the immigration requirements in effect on 1 January 1994. The Helms-Burton Act may contravene this chapter to the extent that it denies business persons entry into the United States of America in a manner incompatible with NAFTA.

38. As a result of the climate generated by the adoption of this Act, Cuban foreign trade enterprises have encountered restrictions on a market to which they had had access.

39. Denial of access to the United States market deprives Cuba of the market geographically closest to it, one from which no other country in the hemisphere is excluded. In addition, the prohibition against trade with Cuba imposed on subsidiaries of United States companies limits the rest of the world's market opportunities as well.

40. It is well known that Cuban enterprises have no commercial ties to any company under the jurisdiction or control of the United States of America.

41. With the entry into force of the Helms-Burton Act, access to the international market becomes subject to new limitations whose extent will depend on the attitudes taken by Governments and the business communities in various countries vis-à-vis its extraterritorial implications.

42. The Act also reaffirms one of the priorities of United States policy, which is to attack the pillars of the Cuban economy, first and foremost the sugar industry.

43. The fact that this ongoing practice predates the imposition of the economic, commercial and financial blockade has not prevented the United States Government from constantly implementing new measures to reinforce the blockade.

44. The Act reiterates the existing obstacles to the marketing of Cuban sugar products which consist of shutting Cuba out of the United States market and the New York Stock Exchange and stepping up practices aimed at discouraging the import of those products by third countries. To this end the United States authorities are imposing measures that hamper trade and, what is more, undermine the sovereignty of other States under the pretext of preventing Cuban sugar from reaching the United States market indirectly. Similar measures apply to nickel products, another mainstay of the Cuban economy.

45. It must be added here that the diplomatic propaganda campaign the United States Government is waging in connection with the Act is also intended to thwart, through intimidation, mechanisms which seek through various commercial means to bring about the recovery of the Cuban sugar industry and agriculture in general. The purpose of the campaign is to limit access, to the maximum extent possible, to chemical products (fertilizer, weed-killers and pesticides) and other inputs as well as to fuel, spare parts and equipment for maintaining the high level of mechanization in this sector.

46. The Helms-Burton Act is so inconsistent that one must question its viability. Its greatest impact to date has been the uncertainty it has created throughout the business world as to how widely it will be implemented and the fear it has provoked in persons who have absolutely nothing to do with politics yet find themselves becoming the target of sanctions simply for having operated freely in the business world.

47. The campaign of intimidation that was waged in 1995, one year prior to the enactment of the Helms-Burton Act, was reflected in the reactions of a number of companies that supply health-care products, particularly during the second half of that year. To cite two incidents, a Cuban import firm was denied the opportunity to negotiate the purchase of catheters for peritoneal dialysis, while another company found itself unable to supply cartridges and compressors for medical equipment as a result of the embargo.

48. The intimidating effect of the Helms-Burton Act has also held up certain commercial transactions, preventing the timely utilization of supplies in carrying out an activity of highest national priority.

49. The decisions of certain companies to use more efficient business methods in Cuba which would allow them to stay in the market longer have also been held up. In addition, the so-called "Cuba risk" factor has played an increasingly large role in relations between Cuban companies and their counterparts in third countries.

50. The first signs of the State Department's implementation of Title IV have been the pressure exerted on the Sherritt Gordon, Domos and Stet companies of Canada, Mexico and Italy, respectively. This policy is obviously intended to create a chain reaction of intimidation that will be felt by other foreign investors in Cuba.

51. As has been shown, the Helms-Burton Act reinforces the United States Government's traditional policy of imposing an economic, commercial and financial blockade against Cuba in order to strangle the country economically and force changes on the country's political, social and institutional order.

52. An analysis of Cuba's economic performance in 1995 shows that the blockade continued to have an adverse effect on the country's efforts to develop its economy and guarantee an adequate standard of living to the whole population.

53. The loss of the preferential United States sugar market, mentioned earlier, meant a loss of more than $260 million to the Cuban economy in 1995.

54. Public health continues to be one of the areas most directly and seriously affected by the blockade, given that the blockade limits opportunities for purchasing raw materials for the manufacture of medical and pharmaceutical products and disposable materials, finished goods and equipment, and spare parts for maintaining the health-care infrastructure; it also makes such purchases more expensive.

55. In this connection, it should be noted that the difference between the amount of air and sea freight paid in 1995 for medical supplies and the amount it would have cost to ship the same products from the United States or from American subsidiaries in the region is estimated at $2.7 million.

56. In addition, on three separate occasions it was announced that sales of medical research equipment, laboratory supplies for work with the immune system and diagnostic equipment would be suspended as a result of mergers or partnerships between third-country suppliers and American companies. One of these cases involved a long-standing relationship, and all the counterpart companies were distressed at having to take such a decision.

57. Another purpose of the blockade is obviously to affect the Cuban population by downplaying efforts to improve public health. Cuba's achievements in this field have been widely recognized and are reported in official documents of the United Nations system.

58. During the past year the cost of providing the country with such vital supplies as food, fuel, chemical products for agriculture and raw materials for industry has continued to rise.

59. The top priority of the Cuban economy today is feeding the population; many efforts are under way to achieve this objective. It should be stressed that these efforts are constantly affected by the blockade. It is estimated that more than $46 million could have been saved during the past year on purchases of a small group of basic foodstuffs to meet the population's basic needs if the

items could have been purchased on the United States market. Put another way, an additional $46 million could have been spent on food for the population.

60. Shipping costs for fuel have continued to rise as a result of the blockade: during 1995 they were 18 per cent to 30 per cent higher than in the preceding year.

61. This increase is directly attributable to the tightening of the blockade which has made the Cuban market a problematic one, so that relatively few vessels are available to ship goods there.

62. It is important to note here that shipping companies maintain special procedures for dealing with such shipments. These include constantly raising shipping charges on account of the "Cuba risk" factor and making Cuban companies pay high rates even though the vessels do not meet the requisite technical standards. This is due to the fact that access to United States ports is limited under the terms of the blockade.

63. The fact that Cuban companies must operate with such vessels makes shipping goods riskier, thereby driving up the premiums paid to insurers. This is especially true for the shipping of liquid cargoes such as fuels and chemicals that can pollute, where there is a higher risk of accidents which not only result in serious financial losses and damage to goods but can also cause serious harm to the environment.

64. The concerns and difficulties which have plagued shippers with commercial ties to American companies since the enactment of the Torricelli Act have increased since the enactment of the Helms-Burton Act, as reflected in an increase in the prices Cuban companies must pay for their services and a significant reduction in vessel availability. It is estimated that in 1995 alone costs were approximately $9 million higher than the market average.

65. As a result of the United States blockade, problems have recently been experienced with regular suppliers who have suspended some operations because certain parts of the items they have traditionally exported to Cuba are now produced in the United States. As a result, Cuban enterprises have had to turn to substitutes that are of inferior quality, less effective and more expensive.

66. For example, it is estimated that purchases of essential chemicals for agriculture have cost an additional $6 million.

67. In addition, Cuba continues to face high credit costs in meeting its basic import needs. It is estimated that in 1995 financing accounted, on average, for 13 per cent of the value of the loans, rising on occasion to 20 per cent, with the rate increasing as the blockade was tightened.

68. All this must be added to the rising trend in world commodity prices, as is the case with foodstuffs, the combined effect of which is a diminishing of Cuba's purchasing power. The country is thus forced to earmark a growing portion of its export earnings to pay for every item it imports.

69. The cost of operating Cuban aircraft is also increasing as it becomes impossible for them to use international air corridors over the United States of America on flights to Canada.

70. The blockade also poses obstacles to the purchase of inputs, spare parts and additional aviation and navigation safety equipment and repair and maintenance, and prevents Cuba from purchasing aircraft with American technology.

71. The blockade measures affecting civil aviation contravene a whole series of provisions of the International Civil Aviation Organization (ICAO) Chicago Convention, to which the United States of America is a signatory.

72. Another ongoing effect of the blockade on the Cuban economy derives from the prohibition against using United States dollars in transactions relating to Cuba. As a result, Cuba and its trading partners must rely on currency markets, thereby adding banking costs and introducing additional risk.

73. The examples given here are indicative of some of the effects of the United States economic, commercial and financial blockade against Cuba during the period covered by this report. The effect of this policy, however, is cumulative and deleterious, and permeates every aspect of Cuban life. Its purpose remains the same - to bring about the total collapse of a country so that the population will take action that will put a halt to the revolutionary process.

74. The Government of Cuba will continue to make every possible effort within the context of its new economic strategy to progress in its development and to continue to maintain the principal social achievements that the people of Cuba have enjoyed over the past 37 years.

75. The international community's rejection of such blockade policies as seen in its adoption of successive resolutions on this topic has once again become evident since the enactment of the Helms-Burton Act.

76. The Government of the Republic of Cuba and the entire population of the country are confident that the international community will take effective measures to combat the maintenance and intensification of this policy, which is in violation of important principles of the Charter of the United Nations and international law.

CYPRUS

[Original: English]

[30 May 1996]

Cyprus does not favour any attempt to enforce laws in its territory that are promulgated by other States. It is therefore opposed to the adoption of any measures that have extraterritorial application on its territory.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[Original: English]

[15 July 1996]

The Democratic People's Republic of Korea supported the resolution when the General Assembly adopted it on 2 November 1996. There are no laws or regulations in the Democratic People's Republic of Korea which violate the sovereignty of, and freedom of trade with, Cuba. The Democratic People's Republic of Korea is developing and strengthening commercial relations with Cuba.

DENMARK

[Original: English]

[8 July 1996]

Denmark has not implemented any measures of the kind referred to in the preamble of resolution 50/10.

ECUADOR

[Original: Spanish]

[7 July 1996]

With reference to paragraph 4 of General Assembly resolution 50/10, Ecuador has not promulgated, and will not promulgate in future, laws which run counter to the freedom of international trade and which violate the principle of non-interference in the internal and international policy of States; this principle is expressly recognized in the Political Constitution of Ecuador and is present in each and all of the legal, political and economic activities of Ecuador, at both the domestic and international levels.

FRANCE

[Original: French]

[21 August 1996]

1. France does not apply any law or measure of the kind referred to in paragraphs 2 and 3 of resolution 50/10. France has consistently expressed its opposition to the promulgation and application, by States Members of the United Nations, of laws and regulations whose extraterritorial effects affect the sovereignty of other States, as well as the freedom of trade and navigation. In its view, such measures violate the general principles of public international law.

2. France, together with its European Union partners, has regularly restated its adherence to these principles.

GAMBIA

[Original: English]

[24 July 1996]

The Gambia does not support the continued application of laws and measures of the kind referred to in the preamble of resolution 50/10. In this connection the Gambia will not support any act or event with wide extraterritorial impact and contrary to the spirit and letter of that resolution.

GERMANY

[Original: English]

[12 July 1996]

1. Germany does not apply any law or measure of the kind referred to in paragraphs 2 and 3 of resolution 50/10.

2. Germany has consistently expressed its opposition to the promulgation and application by States Members of the United Nations of laws and regulations whose extraterritorial effects affect the sovereignty of other States, as well as the freedom of trade and navigation. In its view, such measures violate the general principles of public international law.

3. Germany, together with its European partners, has regularly affirmed its adherence to these principles.

GHANA

[Original: English]

[22 July 1996]

1. The Government of Ghana views with great concern the persistent non-compliance with General Assembly resolutions 47/19, 48/16, 49/9 and 50/10, which seek to end the economic, commercial and financial embargo imposed by the Government of the United States of America against Cuba.

2. The promulgation of the Helms-Burton Act, aimed at tightening the economic blockade against Cuba, as well as punishing third countries which want to do business with Cuba is not only an affront to the international community but also against the principles of the United Nations Charter, namely the sovereign equality of States, non-interference in the internal affairs of States as well as freedom of international trade and navigation. The Government of Ghana has

therefore issued a public statement condemning the Helms-Burton Act. The Governments of Canada and Mexico, the European Union and even the Organization of American States have also condemned the extraterritorial nature of the Helms-Burton Act.

3. Accordingly, the Government of Ghana will continue to support Cuba against the unjustified economic blockade imposed by the United States. Similarly, the promulgation of laws of extraterritorial application anywhere in the world must be condemned.

GUYANA

[Original: English]

[2 July 1996]

Guyana fully supported the resolution and voted in its favour. Guyana, therefore, is committed to paragraphs 2, 3 and 4 of resolution 50/10 and honours its mandate.

INDIA

[Original: English]

[18 July 1996]

1. India has not promulgated or applied any laws of the type referred to in the preamble of the above-mentioned resolution and as such, the necessity of repealing or invalidating any such laws or measures would not arise.

2. India has consistently opposed any unilateral measures by one country which impinge on the sovereignty of another country. In this connection, the official spokesman of the Ministry of External Affairs made the following statement on 21 March 1996:

> "The Government of India's attention has been drawn to the recent enactment by the United States of the Cuban Liberty and Democratic Solidarity Act (Helms-Burton Bill)."

3. India has consistently opposed any unilateral measures by one country which impinge on the sovereignty of another county. This includes any attempt to extend the application of a country's laws extraterritorially to other sovereign nations.

4. India recalls the statement of the Movement of Non-Aligned Countries on this subject issued on 19 March 1996 (A/51/85, annex) and urges the international community to adopt all necessary measures to protect the sovereign rights of all countries.

IRAN (ISLAMIC REPUBLIC OF)

[Original: English]

[30 July 1996]

1. In line with its support for General Assembly resolution 50/10, the Islamic Republic of Iran believes that the embargo imposed by the United States of America against Cuba contravenes all rules and principles governing international relations, the provisions of the United Nations Charter, the conventions and principles concerning international trade. The continued United States economic, trade and financial embargo against Cuba, which has caused both serious suffering to the people of that country and a crisis in world trade and financial relations, is in defiance of the current international trend where attempts are being made to de-escalate tension and further expand trade relations worldwide.

2. The Islamic Republic of Iran further believes that the objective behind these coercive measures is to create economic and political instability in other countries which in turn undermine international peace and security. Therefore, such actions should be categorically condemned by the international community and, accordingly, appropriate steps should be taken to revoke them, and to prevent similar actions in the future.

IRAQ

[Original: Arabic]

[1 July 1996]

The Government of Iraq has not promulgated and does not intend to promulgate any domestic laws or regulations that infringe upon the sovereignty of other States or endanger their economic and commercial interests. The Government of Iraq condemns in the strongest terms the practice of certain States of imposing arbitrary economic measures to be used as an instrument of political and economic coercion against the peoples of the world in order to humiliate them and deprive them of their basic rights to development, economic well-being and political independence. The enactment by the United States of America of laws and regulations purporting to impose an economic embargo on the Cuban people is to be regarded as a flagrant violation of the Charter of the United Nations and the provisions of international law, and it is aimed at achieving particular political objectives that bear no relation to international peace and security.

ITALY

[Original: English]

[12 August 1996]

Italy has not adopted and does not apply any law or measure of the kind referred to in paragraphs 2 and 3 of General Assembly resolution 50/10.

KENYA

[Original: English]

[14 August 1996]

The Government of Kenya has not formulated, enacted or applied any such laws and measures of the kind referred to in the preamble of General Assembly resolution 50/10.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

[Original: French]

[10 July 1996]

The Lao People's Democratic Republic deeply regrets the continuation of the economic, commercial and financial embargo imposed by the United States of America against Cuba. That embargo has now been strengthened, and even has an extraterritorial effect which is unprecedented in the history of international trade relations. For its part, given its obligations under the Charter of the United Nations and international law, the Lao People's Democratic Republic has never promulgated or applied laws and measures of this kind. It considers that such laws and measures interfere with the sovereignty of other States, as well as with freedom of trade and navigation.

LIBYAN ARAB JAMAHIRIYA

[Original: Arabic]

[30 August 1996]

1. Consistent with its support for General Assembly resolution 50/10, the Libyan Arab Jamahiriya is opposed to the economic, commercial and financial embargo imposed by the United States of America against Cuba, considering that it contravenes the purposes and principles of the United Nations. Libya reaffirms that the best way to resolve disputes between States is to reach a peaceful settlement in accordance with the purposes and principles of the Charter of the United Nations.

2. In compliance with those purposes and principles and out of respect for international law, the Socialist People's Libyan Arab Jamahiriya has not promulgated or applied any laws such as those referred to in paragraphs 2 and 3 of resolution 50/10.

3. The Socialist People's Libyan Arab Jamahiriya has been suffering under the iniquitous coercive measures imposed on it by the United States of America since 1986, which are similar to the sanctions imposed against Cuba. These measures have included the freezing of assets and also the placing of an embargo on the transfer of technology which, among other things, deprives Libyan students of the opportunity to pursue studies in this field in the United States of America. The United States Administration has recently tightened these sanctions with a law providing for punitive measures to be taken against third country companies that do business with Libya.

4. Since the imposition of these coercive measures is incompatible with the purposes of the United Nations and the principles of international law, the Libyan Arab Jamahiriya once again underscores paragraphs 2 and 3 of General Assembly resolution 50/10 and urges the States concerned to refrain from promulgating and applying laws and measures such as those imposed on Cuba or any other country and to take the necessary steps to repeal or invalidate any that they currently apply.

LIECHTENSTEIN

[Original: English]

[10 July 1996]

The Principality of Liechtenstein has not promulgated or applied any laws and measures of the kind referred to in the preamble of resolution 50/10. The Liechtenstein Government is furthermore of the view that legislation whose implementation entails measures or regulations of extraterritorial effects is inconsistent with generally recognized principles of international law.

MAURITIUS

[Original: English]

[18 June 1996]

The Government of Mauritius has never promulgated any law or taken any measure towards an economic, commercial and financial embargo on Cuba.

MEXICO

[Original: Spanish]

[15 July 1996]

1. In accordance with its foreign policy principles and with the Charter of the United Nations, Mexico rejects the promulgation and application of laws and regulations whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

2. Mexico supports the resolutions adopted by the General Assembly concerning the necessity of ending the illegal embargo imposed by the United States of America against Cuba and is refraining from promulgating and applying laws of the kind referred to in those resolutions. In that respect, it is part of the majority trend of the international community, which rejects such actions.

3. Mexico reiterates its decision to establish, the trade and political links with Cuba which it deems the most appropriate, in full exercise of its sovereignty. At the same time, it has expressed its opposition to the Cuban Liberty and Democratic Solidarity Act, known as the Helms-Burton Act, which was recently adopted by the United States of America.

4. Mexico considers that the promulgation and application of the Helms-Burton Act violates the principles of international law set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)). In addition, it believes that the Act is contrary to the obligations assumed by the United States of America under international agreements such as the constituent act of the World Trade Organization (WTO) and the North American Free Trade Agreement.

5. The Government of Mexico, in full respect for the sovereignty and right of self-determination of States, reiterates its support for the norms and principles which govern relations among nations, endorses General Assembly resolution 50/10 and reaffirms that it is for the people of Cuba alone, in exercise of their inalienable rights, to continue to determine their political, economic and social organization in a free, sovereign and independent manner.

MONGOLIA

[Original: English]

[28 June 1996]

1. Mongolia voted in favour of General Assembly resolution 50/10 entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". Mongolia strongly believes that promulgation and application by any Member State of laws and/or regulations

whose extraterritorial effects may affect the sovereignty of other States and the legitimate interests of entities and persons under their jurisdiction, as well as the freedom of trade and navigation, are inconsistent with purposes and principles of the United Nations Charter and those of contemporary international law.

2. Mongolia has neither promulgated nor applied any laws and measures of the kind referred to in the preamble of resolution 50/10.

MYANMAR

[Original: English]

[11 July 1996]

1. Myanmar continues to maintain its consistent policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations and of scrupulous respect, among others, for the principles of the sovereign equality of States, non-intervention and non-interference in internal affairs, freedom of trade and international navigation.

2. The Union of Myanmar is of the view that the promulgation and application by Member States of laws and regulations the extraterritorial effects of which affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction as well as the freedom of trade and the freedom of navigation violate the universally adopted principles of international law.

3. In this connection, Myanmar is deeply concerned about the extraterritorial aspects of the laws enacted against the Republic of Cuba.

4. In conformity with the above, the Union of Myanmar has not promulgated any laws and regulations of the kind referred to in the preamble of General Assembly resolution 50/10.

NAMIBIA

[Original: English]

[8 August 1996]

1. The Government of the Republic of Namibia believes in the sovereignty of each nation-State and peaceful coexistence.

2. The Government of Namibia upholds the principle of non-interference in the internal affairs of other States.

3. The Government of Namibia is having friendly and cooperative relations with both the Republic of Cuba and the United States of America.

4. The Government of the Republic of Namibia condemns the Helms/Burton legislation in that it is severely punitive, arbitrary and contrary to the rules of the World Trade Organization, as well as constituting an obstacle to the resolution of the dispute in the mutual interest of the parties. The Government thus urges both the United States of America and Cuba to begin serious negotiations to resolve all aspects of the long-standing dispute between them in the interest of peace, development, trade and good-neighbourliness.

NEPAL

[Original: English]

[26 June 1996]

Nepal enjoys excellent relations of friendship with Cuba and Nepal's economic, commercial and financial relations with Cuba conform essentially to the provisions of General Assembly resolution 50/10.

NETHERLANDS

[Original: English]

[15 July 1996]

In the Netherlands, no laws or other measures of the type referred to in the preamble of General Assembly resolution 50/10 (1995) are applicable. Moreover, the Netherlands has serious concerns regarding laws and measures directed against Cuba with extraterritorial effects. These extraterritorial effects do not only affect the sovereignty of other States, but they also frustrate the freedom of trade and navigation and thereby violate general principles of public international law.

NICARAGUA

[Original: Spanish]

[9 July 1996]

1. Nicaragua rejects as a matter of principle economic and commercial embargoes as a means of applying political pressure.

2. Nicaragua maintains diplomatic relations with the Republic of Cuba.

NORWAY

[Original: English]

[6 August 1996]

Norway has not enacted an economic embargo against Cuba or adopted other measures contradictory to General Assembly resolution 50/10.

PARAGUAY

[Original: Spanish]

[15 July 1996]

The Government of the Republic of Paraguay has at no time adopted economic, commercial or financial measures related to the embargo imposed by the Government of the United States of America against Cuba.

PERU

[Original: Spanish]

[20 June 1996]

1. No law or measure of the kind referred to in resolution 50/10 exists or has been applied in Peru. The Government of Peru does not accept the extraterritorial application of domestic laws.

2. In this respect, on 3 June 1996, at the twenty-sixth regular session of the General Assembly of the Organization of American States (OAS), the Minister for Foreign Affairs of Peru made the following comments about the Helms-Burton Act:

> "In OAS we have embarked on a new stage in the development of international law. Thus, the Panama Declaration on the inter-American contribution to the development and codification of international law is part of a new legislative effort for which the impetus derives from our own societies. Progressively, agreements and treaties are linking the legal structure with political action, converting law into a tool for peace, security and development. A related subject which is significant for the future of international law in the western hemisphere is the recent adoption by the United States of America of the Helms-Burton Act. This legislation infringes on the principle of State sovereignty by seeking an extraterritorial application of domestic law, in violation of the principles and norms of international law and the rules of free trade."

3. Peru's position on this matter is reflected in the provisions of the Final Declaration of the Fifth Ibero-American Summit, at the recent meeting of the Rio Group, whose participants agreed to coordinate the adoption of joint measures designed to prevent damage from that Act, and in the resolution on freedom of

trade and investment in the hemisphere adopted on 4 June 1996 by the General Assembly of OAS, which seeks the opinion of the Inter-American Juridical Committee on the validity under international law of the Helms-Burton Act.

4. The Government of Peru adheres to the common objectives of democracy, respect for human rights and economic freedom which link the countries of the western hemisphere.

POLAND

[Original: English]

[19 August 1996]

The Government of Poland enjoys normal diplomatic relations with the Government of Cuba. Poland has never promulgated nor applied in relation to Cuba any laws or measures which might entail infringement of the latter's sovereignty or violate the freedom of trade and navigation. The Government of Poland considers that the United States embargo against Cuba is a matter which should be resolved between the two interested States as soon as possible.

RUSSIAN FEDERATION

[Original: Russian]

[17 July 1996]

1. In supporting in 1994 and 1995 the General Assembly resolution on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, the Russian Federation was, and continues to be, guided by the firm consensus on that matter among the Members of the United Nations. Almost the entire world community, with few exceptions, regards the continuing commercial and economic embargo against Cuba imposed by the United States as a manifestation of the outdated mentality of confrontation between blocs. Most of the States of the world express their disagreement with the attempts by the United States to tighten up the embargo by associating the international community with it through the implementation of the Cuban Liberty and Democratic Solidarity Act of 12 March 1996. They rightly describe it as discriminatory and incompatible with the norms of international law and the principles of free trade.

2. Our view of the matter is that the lifting of the commercial, economic and financial embargo of the United States of America against Cuba in particular, and the normalization of United States-Cuban relations in general, would promote a more healthy international situation and would facilitate Cuba's inclusion in world economic relations and thus the advance of Cuban society towards democracy and greater openness.

3. As far as the Russian Federation directly is concerned, it is firmly guided by the principles of the sovereign equality of States, non-interference in their

internal affairs and freedom of international trade and navigation mentioned in the resolution and supports, and intends to broaden, normal commercial and economic ties with Cuba based on mutual interest and reciprocal advantage and put into practice in strict conformity with generally accepted international norms without any form of discrimination and on the basis of world prices.

SAINT LUCIA

[Original: English]

[2 August 1996]

The Government of Saint Lucia noted with concern the signing into law by President William Clinton on 12 March 1996 of the Helms-Burton Act. The position of the Government of Saint Lucia is consistent with the ideas expressed by the Caribbean Community (CARICOM) that the Act, in and of itself, is contrary to international law because of its extraterritorial application, and runs contrary to the development of free trade in the region.

SLOVENIA

[Original: English]

[21 June 1996]

Slovenia has not promulgated and/or applied any laws or measures of the kind referred to in the preamble of General Assembly resolution 50/10.

SPAIN

[Original: Spanish]

[19 July 1996]

1. With regard to paragraph 2 of resolution 50/10, Spain has never promulgated or applied any laws or measures which might have entailed, in the case of Cuba, a violation of the principles of the sovereign equality of States, non-interference in their internal affairs and freedom of trade and navigation, to which the preamble of resolution 50/10 refers.

2. Paragraph 3 of the resolution is not relevant, in that no such laws or measures exist in Spain.

3. Spain views with concern the adoption in 1996 of new laws with extraterritorial effects, adopted unilaterally.

SRI LANKA

[Original: English]

[13 August 1996]

Sri Lanka has neither promulgated nor applied any laws or measures which might affect the sovereignty of Cuban laws or any laws which violate the freedom of trade or navigation. The question of repealing or invalidating any laws in this respect does not therefore arise. Sri Lanka voted in favour of General Assembly resolution 50/10.

SYRIAN ARAB REPUBLIC

[Original: Arabic]

[18 July 1996]

The Syrian Arab Republic, in accordance with its position of principle concerning the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", voted in favour of General Assembly resolution 50/10, which reaffirms the necessity of compliance with the purposes and principles enshrined in the Charter of the United Nations, the sovereign equality of States, non-interference in their internal affairs and freedom of international trade and navigation, and also urges States to take the necessary steps, as soon as possible, to end the economic, commercial and financial embargo that has been imposed on Cuba for over 30 years.

TOGO

[Original: French]

[23 August 1996]

1. The Government of Togo has continued to maintain good relations of cooperation with Cuba since the adoption, on 2 November 1995, of General Assembly resolution 50/10. Based on long-standing diplomatic relations and on the membership of both States in the Movement of Non-Aligned Countries in particular, the links between Cuba and Togo have never been disrupted.

2. Thus, since the adoption by an overwhelming majority of the resolution in question, the two countries have continued their exchanges of views in order to seek ways and means of intensifying their relations of cooperation, particularly in the economic and social fields.

3. As one of the countries which, over the past three years, have successively taken a position in favour of lifting all economic, commercial and financial embargoes against Cuba, Togo has at no time promulgated or applied laws and measures of the kind referred to in the preamble to the resolution concerned.

4. Committed to the principles of freedom of trade and navigation, the Togolese Government believes that it is important to initiate a new approach to cooperation among States at a time when East-West antagonisms no longer hold sway, and it intends to work in this direction in order to help encourage Cuba to open up more to the noble principles which underlie the rule of law and, in particular, regulate current international relations.

UGANDA

[Original: English]

[31 July 1996]

The Republic of Uganda wishes to reiterate its support for resolution 50/10 and in particular the second and fifth preambular paragraphs and paragraphs 2 and 3.

UKRAINE

[Original: English]

[10 June 1996]

1. The Government of Ukraine, according to the foreign policy principles, has constantly observed the relevant provisions of resolution 50/10, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", adopted by the General Assembly on 2 November 1995.

2. The Government of Ukraine has pursued a policy of strict compliance with the purposes and principles enshrined in the United Nations Charter, in particular the principles of sovereign equality of States and non-interference in their internal affairs.

3. Ukraine has not adopted any legislation or regulations whose extraterritorial effects might affect the sovereignty of other States and the legitimate interests of entities or persons under Ukraine's jurisdiction, or the freedom of trade and international navigation.

4. The Government of Ukraine does not accept the use of economic measures as a means of achieving political aims and upholds in its relations the fundamental principles of the Charter, the norms of international law and freedom of trade and navigation.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[20 August 1996]

1. The United Kingdom enjoys normal diplomatic and trade relations with Cuba.

2. The Government of the United Kingdom has made clear its opposition to the extraterritorial extension of the United States embargo against Cuba in the Cuban Democracy Act of 1992 and the Helms/Burton Act of 1996. In October 1992 the United Kingdom invoked the Protection of Trading Interests Act 1980. It is now an offence under United Kingdom law for any persons to comply with the specified parts of the United States Cuban Assets Control Regulations.

3. While the Government of the United Kingdom considers the United States trade policy towards Cuba is primarily a matter for those two Governments, it remains concerned about the extraterritorial aspects of the United States embargo and the Helms/Burton Act.

URUGUAY

[Original: Spanish]

[5 July 1996]

On the item "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", as in many other matters, Uruguay has maintained a foreign policy based on respect for the principles of the Charter of the United Nations and international law, and in particular, the principle of freedom of international trade and navigation without any type of restrictions; for its part, Uruguay does not recognize in its legislation the extraterritorial application of domestic laws; therefore, the Government of the Republic has not applied any measures or laws of the kind referred to in the preamble to resolution 50/10.

VENEZUELA

[Original: Spanish]

[19 July 1996]

1. Venezuela reiterates the points it made in document A/48/448 of 28 September 1993.

2. In accordance with the views put forward in that document, it maintains its unwavering position in that it has not promulgated or applied any unilateral laws or measures whose extraterritorial effects are prejudicial to the sovereign actions and interests of other States. It has termed such action unacceptable.

3. In line with this position, Venezuela, in a multilateral context, has supported the resolutions adopted by the Permanent Mechanism for Consultation and Concerted Policy Action (the Rio Group), the United Nations Commission on Human Rights and the Organization of American States rejecting the implementation of measures and regulations of this kind.

VIET NAM

[Original: French]

[6 June 1996]

1. The General Assembly, in its resolutions over the past few years, has called on the United States of America to abolish the embargo policies and laws applied against Cuba and has held them to be violations of international law in general and of trade laws and practices in particular. The resolutions adopted by the United Nations and the Movement of Non-Aligned Countries calling for an end to this blockade against Cuba reflect the international community's common concern about anachronistic extraterritorial laws and its aspiration to establish good relations among States for development cooperation on the basis of equality and non-discrimination of political and social regimes.

2. Despite the common aspiration of the international community and United Nations resolutions, the Helms-Burton Act strengthened the embargo against Cuba, thereby causing further difficulties in daily life and obstacles to the economic development of the Cuban people and damaging the trade relations of several countries with Cuba. This Act gave rise to vigorous protests.

3. Viet Nam continues to believe that the dispute between Cuba and the United States of America should be settled through dialogue and negotiations. Viet Nam has supported the United Nations resolutions and calls for the immediate ending of the embargo unilaterally applied by the United States of America against Cuba. Viet Nam believes that the Secretary-General, in his report to the fifty-first session of the General Assembly, should establish effective measures to ensure the implementation of the above-mentioned resolutions and recommend forms of assistance to the Cuban people to overcome the difficulties caused by the embargo policy.

4. The Vietnamese people and Government once again reaffirm their solidarity with the Cuban people. Viet Nam has undertaken and will undertake activities to support the Cuban people in their just struggle for national independence and the development of a prosperous country.

III. REPLIES RECEIVED FROM ORGANS AND AGENCIES OF THE UNITED NATIONS SYSTEM

A. United Nations Children's Fund

4. The situation of children in Cuba has been adversely affected by a number of factors including the embargo, as well as internal and other external factors. As with most such situations it is not possible to separate the combined negative effects of these factors. Cuba has still the lowest infant mortality rate in the Latin American and Caribbean region, 9 per 1,000 live births. However, between 1989 and 1993, the country's national product declined by 35 percent and, as a result, the situation of children is under serious pressure, and the sustainability of the extensive network of services benefiting children, women and families is in jeopardy.

5. The deterioration of Cuba's family health system is a cause of serious concern. The network of more than 25,000 family doctors' and nurses' offices that are responsible for primary health care, including education for health and preventive actions, is suffering from a shortage of medicines, basic surgical instruments and materials. This has a direct impact on the country's capacity to maintain its high levels of education and health of children, women and local communities, as these centres are the focal points for the promotion of breast-feeding, and the handling of the regular immunization programmes.

6. UNICEF is closely monitoring nutritional deficiencies. It is estimated that nearly 50 per cent of children under one year of age suffer from anaemia, with haemoglobin levels under 11 mg. At the end of 1995, women with low weight at the beginning of pregnancy constituted almost 12 per cent of pregnant women.

7. The water supply system continues to be a cause of serious concern. By mid-1996, the main plant for the production of chlorine was able only to function at 50 per cent of its capacity, due to the difficulties in obtaining spare parts and basic inputs. At the end of 1994, the level of water potability reached 40 per cent. Difficulties in obtaining supplies and the serious problems Cuba is facing in sustaining safe water and basic sanitation services are among the worst threats to children's health, as acute diarrhoeal diseases continue to increase.

B. United Nations Development Programme

8. The effects of the United States embargo on Cuba are diverse and mainly derived from its economic dimensions. As the economy affects in some way all of the nation's productive and social sectors, these effects are reflected, directly or indirectly, on almost all of the aspects of Cuban life.

9. However, not all these effects carry the same weight or level of impact, since they depend on its economic incidence. Thus, the consequences of the embargo cannot be generalized or standardized, but demand a detailed case-by-case analysis.

10. Three main areas are affected by the embargo: the economy, finances and social development.

11. In the economic area, the embargo has directly affected Cuba's foreign trade and indirectly the whole of economic activity. During the 1960s, Cuba was massively forced to reconvert its economic apparatus to adjust it to its new Council for Mutual Economic Assistance (COMECON) partners. A second reconversion was made necessary from the beginning of the decade of the 1990s due to the disappearance of this commercial area. According to official estimates by the Cuban Government, the impact on the economy and trade from 1960 to 1993 amounts to US$ 29.7 billion in direct effects and some US$ 6.4 billion in indirect effects.

12. In the financial area, the embargo has prevented Cuba's access to all sources of multilateral public financing (particularly the Bretton Woods institutions and the Interamerican Development Bank) while effectively deterring private investments, a process reinforced by the Helms-Burton Act. Official sources state that Cuba sustained direct damages of US$ 3.5 billion, while indirectly it has lost an additional US$ 3.3 billion (because of the impossibility of renegotiating its foreign debt).

13. In the social area, the embargo is threatening the achievements scored by the country as a result of the economic difficulties it is now facing (forced economic reconversion without external funding) and the indirect results on the functioning of basic social services (education, water and sanitation, public health, among others). Official figures estimate damages in this area amounting to US$ 1.3 billion since 1960.

The role of the United Nations system

14. As analysed by the United Nations system, the main challenge facing the Cuban Government is to increase the global supply of products and services while maintaining social services and the current level of equity.

15. The break-up of COMECON and the resulting loss of Cuba's close trading links with it, along with the strengthening of the embargo, have paralysed the national economy, forcing its restructuring and opening to the outside world. At the same time, both the economic difficulties and the reform process initiated have led to new challenges in terms of the functioning of basic services and maintaining equity.

16. In answer to these challenges, the United Nations system in Cuba, without affecting the specific mandates of each programme, fund and agency, is centring its efforts in the following areas:

- Supporting the restructuring process of the Cuban economy;

- Contributing to the consolidation and enhancement of social services;

- Promoting cooperation between Cuba and the rest of the world.

17. Working towards these goals, the system attempts above all to minimize the effects of the embargo on the Cuban population.

18. First, by supporting the process of restructuring and recovery of the Cuban economy towards higher productivity, improved management skills and efficiency, taking into account its direct impact on the welfare of the population.

19. Secondly, by supporting the consolidation of basic social sectors, such as health, education, food security and water and sanitation, which have such a direct impact on the quality of life of the Cuban people.

20. Lastly, promoting closer links by Cuba with the rest of the world in the most diverse walks of life (economy, science and technology, tourism), thus contributing to alleviate the isolation resulting from the embargo.

21. A description of the activities developed by each programme, fund and agency within its specific mandates follows.

UNDP

22. Within the framework of the Letter of Intent signed by UNDP and the Government of Cuba, initiatives implemented by UNDP are divided into those with short-, medium- and long-term effects. The implementation of these initiatives is being approached in an inter-agency fashion involving consensual participation by all concerned United Nations organizations in the country.

23. For the short term, initiatives include the organization of a first-ever donors' conference, held at Havana, to mobilize support for the water and sanitation sector. A similar initiative is under way for the health sector. For other social sectors, studies are being developed jointly with the Food and Agriculture Organization of the United Nations, the World Food Programme and UNICEF in food security, and with UNESCO and UNICEF in education.

24. For the medium term, an agreement to proceed with an initiative to support the economic recovery of Cuba has been signed by the Government. The initiative will concentrate on strengthening managerial capacities within three Cuban economic Ministries (Finance and Prices, Economy and Planning, and Labour and Social Security), and the National Bank of Cuba. Also an in-depth study is being carried out by UNIDO to provide analysis and frameworks for the restructuring of Cuban industry.

25. For the long term, an initiative to foster the export capacity of Cuba in fields where it has reached significant scientific achievements, especially in biotechnology and pharmaceutical industries, is at the planning stage. As well, support to a process aimed at exploring alternative scenarios for the development of the Cuban economy is being contemplated. Initiatives to facilitate the access of Cuba to global scientific and technical information networks and the promotion of links between research and production activities are also under preparation.

C. International Labour Office

26. With regard to the request made, it may be useful to recall that Cuba is treated in the same way as any other State member of the International Labour Organization. Cuba participates actively in the International Labour Conference and other pertinent ILO activities.

27. In correspondence last year between the ILO Regional Office for Latin America and the Caribbean and the Minister of Labour and Social Security of Cuba, the ILO stated its view that the United Nations was the appropriate forum to address the question of the economic, commercial and financial embargo against Cuba.

D. United Nations Educational, Scientific and Cultural Organization

28. One of UNESCO's ongoing concerns is to advance the regional and international exchange of Cuban educators, scientists, intellectuals and artists, through expert missions or participation in meetings. Furthermore, to help bring Cuba into the flow of regional and international exchanges, the organization is launching a programme to encourage cultural tourism, which will promote the region's cultural and natural heritage. All these measures combine to offset the impact of the embargo.

29. With regard to financial and intellectual cooperation with Cuba, the following recent operations may be mentioned:

(a) In 1995, 5 million school notebooks were donated to kindergartens and primary schools, funded from extrabudgetary resources (US$ 217,000). An additional 2,700,000 notebooks financed by the organization's regular programme (US$ 120,000) will be distributed during 1996.

(b) Contribution of US$ 100,000 (extrabudgetary funds) for the setting up of a computer laboratory for children with severe speech problems located in the Miguel B. Díaz School, Havana, and intended for children throughout the country.

(c) Financial contribution of US$ 35,000 to continue restoration work on the Plaza Vieja in Havana, part of the heritage of humanity; technical and intellectual assistance through consultants to relaunch the international campaign to safeguard the Plaza.

(d) Financial and technical assistance for the Cultural Identity of Latin America and the Caribbean project, which is promoting exchanges of Cuban intellectuals with their colleagues elsewhere in the region. Similar assistance was given to the Ibero-American Meeting on Culture and Development, held at Havana in November 1995, with 300 participants.

(e) Financial contribution of US$ 30,000 to give continuity to the Serrana Television project, which will enable this area of Cuba to join the national communication network.

(f) Publication in Cuba of "Periolibros", through the weekly Juventud Rebelde. Cuba has thus been able to join the Ibero-American newspaper network distributing this newspaper book. In the same context, Cuba receives a donation of 23,000 copies of each monthly issue of the UNESCO Courier.

(g) A meeting on cultural tourism, development and identity arranged by the organization will take place in Havana, in November 1996; it will enable governmental authorities, business agents and experts to work together in a regional action programme on this subject.

(h) Financial and intellectual assistance to the meeting "Pedagogia 97", to take place in Havana in February 1997, with the participation of 5,000 teachers from Latin America and the Caribbean.

(i) Financial and technical assistance to training and action programmes related to the role of social sciences and society in the present Cuban economic and social context.

(j) Promotion of a regional programme on Sports for Peace with the technical assistance of Cuban physical education teachers and outstanding sportsmen.

E. United Nations Industrial Development Organization

30. UNIDO supports the industrial restructuring of Cuba. For that purpose, a strategy on the industrial sector is under preparation of investment promotion programmes and support to the small and medium-scale enterprises is also considered.

31. An Investment Promotion Centre and the preparation of a regional meeting of investment promotion in the field of the sugar cane industry and derivatives will take place in Havana in December of this year and be organized jointly with the Group of Latin American and Caribbean Sugar Exporting Countries (GEPLACEA).